

24 JUN 1985

MEMORANDUM FOR: Chief Legislative Division, OLL

FROM:

Director of Security

SUBJECT: S. 1301 - National Security Protection Act
of 1985

REFERENCE: Office of Management and Budget Memorandum
dated 20 June 1985 (LL 85-1774)

Following are Office of Security comments on S. 1301:

1. Section 2(3) and Section 4 refer only to members of the Armed Forces and civilian employees of the Department of Defense. It would appear that consultants, employees of contractors and perhaps other categories of personnel should be included also.

2. While the intent of Section 6 to require polygraph examinations for sensitive compartmental information (SCI) access and to permit polygraph examinations for other accesses is a step in the right direction, there are technical and procedural problems with some of the provisions.

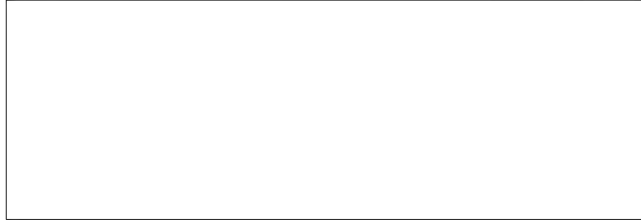
° It is not clear whether polygraphs are required or permitted for contractor employees or only for members of the Armed Forces and civilians.

° Section 6(c) provides that the results of polygraph shall not be used as the sole basis for denying eligibility for clearance or access to any classified information. While other investigative actions would undoubtedly be taken in every case, it is conceivable that a person could admit to acts which make him or her ineligible for access during a polygraph examination and deny them in subsequent interviews. If other investigative actions fail to substantiate the admissions, the admissions themselves should be used as the basis for denial. Also, since section 6(d) provides that refusal to submit to a polygraph may be used as a reason for denial, it is not logical to state that the results of a polygraph examination may not be so used.

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° Section 6(e) provides that polygraph examinations shall be restricted to relevant issue questions. Because the polygraph process may require other questions, it is suggested that the phrase any actions taken as a result of be inserted at the beginning of this section.

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cc: EO/DDA